

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EMANUEL DELEON FIELDS,

§

Petitioner,

§

V.

§

No. 3:06-cv-236-N-BN

NATHANIEL QUARTERMAN, Director
Texas Department of Criminal Justice,
Correctional Institutions Division,

§

Respondent.

§

**MEMORANDUM OPINION AND ORDER DENYING
MOTION TO REQUEST DOCUMENTS**

Petitioner Emanuel Deleon Fields has filed a motion seeking free copies of “[a]ll court opinions and orders disposing of the claims advanced in [this action].” *See* Dkt. No. 45. District Judge David C. Godbey has referred the motion to the undersigned United States magistrate judge. *See* Dkt. No. 46.

Petitioner states that he needs the opinions and orders requested to “attach to his § 2254 motion in the United States Court of Appeals [for the] Fifth Circuit.” *Id.* Petitioner claims that he is indigent and does not have funds to pay for copies. *Id.*

28 U.S.C. § 2250 provides that:

If on any application for a writ of habeas corpus an order has been made permitting the petitioner to prosecute the application in forma pauperis, the clerk of any court of the United States shall furnish to the petitioner without cost certified copies of such documents or parts of the record on file in his office as may be required by order of the judge before whom the application is pending.

Under this statute, a habeas petitioner is entitled to free copies of records on file in the federal proceeding only where ordered by the presiding judge. But “[a]n indigent has

no absolute right to a free copy of his transcript merely to search for possible defects.” *Doyal v. United States*, 456 F.2d 1292, 1293 (5th Cir. 1972) (citing *Colbert v. Beto*, 439 F.2d 1130 (5th Cir. 1971); *Bennett v. United States*, 437 F.2d 1210 (5th Cir. 1971); *Skinner v. United States*, 434 F.2d 1036 (5th Cir. 1970)).

Petitioner’s application for federal habeas relief was denied by judgment entered May 16, 2007. See Dkt. No. 20. The judgment was affirmed by the United States Court of Appeals for the Fifth Circuit on November 12, 2009. See Dkt. No. 36. Petitioner does not have a case pending before this Court or before the Court of Appeals. His two requests to file successive habeas petitions were denied. See *In re: Fields*, No. 12-40918 (5th Cir. Oct. 3, 2012); *In re: Fields*, No. 13-10905 (5th Cir. Nov. 8, 2013).

Petitioner was provided with copies of opinions and orders entered in this action on each date of entry. He has not shown that additional copies of the Court’s opinions and orders are necessary to decide an issue pending before this Court or before the Court of Appeals. He is therefore not entitled to additional copies at government expense.

Petitioner’s motion for free copies of the Court’s opinions and orders [Dkt. No. 45] is DENIED.

SO ORDERED.

DATED: July 3, 2014



DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE